

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

---

### NOTICE OF JUDGMENT NO. 215, FOOD AND DRUGS ACT.

---

#### ADULTERATION AND MISBRANDING OF COFFEE.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 30th day of September, 1909, in the District Court of the United States for the Southern District of Ohio, judgment was rendered in two cases of the United States against the Canby, Ach & Canby Company, both prosecutions upon informations for violation of section 2 of the aforesaid act. The first information in substance charged said defendant with having shipped from Dayton, Ohio, to Paris, Ill., one dozen cans containing an article of food labeled "The Canby, Ach & Canby Company's Mocha & Java Blend Coffee Roasted and packed only by the Canby, Ach & Canby Co., Dayton, Ohio," which was adulterated in that Maracaibo coffee had been substituted in part for the Mocha and Java coffees which said cans were represented to contain; and which was misbranded in that said cans were labeled so as to deceive and mislead the purchaser, for the reason that the contents thereof were represented as a blend of Mocha and Java coffees, when in truth and in fact said contents consisted of a mixture of Mocha and Java and washed Maracaibo coffees.

The second information charged said defendant with having shipped from Dayton, Ohio, to Columbus, Ind., sixty 1-pound packages of an article of food labeled, on one side of the packages, "Dresden Coffee, Rich, strong, aromatic, Imported, Roasted and blended by The Canby, Ach & Canby Company, Dayton, Ohio," and on the other side of said packages, "Dresden Coffee. Contains genuine Mocha and genuine Java blended with other high grade coffees, carefully selected for their cup merits," which was misbranded in that it was labeled so as to mislead and deceive the purchaser thereof, for the reason that said article was represented as composed of Mocha and Java, blended with other high-grade coffees, when in truth and in fact it consisted of two parts Santos coffee, one and three-fourths parts of Maracaibo

coffee, and one-fourth part of washed Santos coffee, and did not contain any Java or any Mocha coffee.

The defendant, on September 30, 1909, pleaded guilty to both informations and the court imposed a fine upon it of \$10 and costs in each case.

The facts upon which the above prosecutions were based were, respectively, as follows: On April 14, 1909, an inspector of the United States Department of Agriculture purchased from R. M. Link, Paris, Ill., a sample of coffee labeled as described in the first information, which sample formed a part of a shipment made to said dealer by The Canby, Ach & Canby Company from Dayton, Ohio. The sample was examined in the Bureau of Chemistry, United States Department of Agriculture, and found to consist of Mocha and Java and washed Maracaibo coffees. The examination having disclosed an adulteration and misbranding of the article, the said R. M. Link and the said Canby, Ach & Canby Company were duly notified thereof and were given an opportunity to be heard and were heard in regard to said charges. It appearing that there had been a violation of the act, the Secretary of Agriculture, on August 28, 1909, reported the facts to the Attorney General. The case was referred to the United States Attorney for the Southern District of Ohio, who filed an information against the Canby, Ach & Canby Company, with the result hereinbefore stated.

On May 26, 1909, an inspector of the United States Department of Agriculture purchased from J. V. Hughes, Columbus, Ind., a sample of coffee labeled as described in the second information, which sample was part of a shipment to said dealer made by the Canby, Ach & Canby Company from Dayton, Ohio. The sample was examined in the Bureau of Chemistry, United States Department of Agriculture, and found to consist of two parts Santos, one and three-fourths parts Maracaibo and one-fourth part of washed Santos coffees, and to contain no Mocha or Java coffee. A misbranding of the article having been disclosed by this examination, all parties in interest were duly notified thereof, and were given an opportunity to be heard and were heard in regard to said charges, and it having appeared that there had been another violation of the act on the part of the aforesaid company, the Secretary of Agriculture, on September 18, 1909, reported the facts to the Attorney General. The case was referred to the United States Attorney for the Southern District of Ohio, who filed a second information against the Canby, Ach & Canby Company, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 21, 1910.*